

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,

Case No. 2:17-CR-62 JCM (NJK)

Plaintiff(s),

ORDER

v.

TRISHA MARIE REGAN, PAUL HWAN JIN
and QUANG VINHPHAM REGAN,

Defendant(s).

Presently before the court is the government's motion to dismiss the superseding indictment (ECF No. 23) against defendant Quang Vinhpham Regan. (ECF No. 145). Regan does not oppose the motion. (ECF No. 146).

Federal Rule of Criminal Procedure 48(a) provides that the "government may, with leave of court, dismiss an indictment." Fed. R. Crim. P. 48(a). "The primary purpose of the requirement that leave of court be obtained is to grant judges discretion to prevent the government from using its discretionary power to dismiss indictments for purposes of harassment." *United States v. Gonzalez*, 58 F.3d 459, 461 (9th Cir. 1995).

Even so, given separation of powers concerns, the court is "limited in its ability to second-guess the government's decisions on whether and what to prosecute. *United States v. Garcia-Valenzuela*, 232 F.3d 1003, 1007 (9th Cir. 2000). The government avers that the charges against Regan "should be dismissed in the interest of justice" based on "the government's review of the evidence and in consultation with law enforcement." (ECF No. 145 at 1).

...

1 Accordingly,

2 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that the government's
3 motion to dismiss the superseding indictment against Regan (ECF No. 145) be, and the same
4 hereby is, GRANTED. The superseding indictment against Regan is DISMISSED without
5 prejudice.

6 IT IS FURTHER ORDERED that the calendar call and trial dates are hereby
7 VACATED.

8 DATED June 16, 2021.

9 
10 UNITED STATES DISTRICT JUDGE